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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00373 RMW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO CONTINUE STATUS
v.)	HEARING AND TO EXCLUDE TIME
)	FROM JANUARY 28, 2008 TO APRIL 7,
NED ROSCOE, and)	2008 FROM THE SPEEDY TRIAL ACT
JOHN ROSCOE,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A),(B))
Defendants.)	

On January 28, 2008, the parties appeared for a hearing before the Court for a status hearing. At that time, based upon the request of the parties, the Court set the matter for a status hearing on February 25, 2008 to allow for counsel's review of the discovery in this case. The parties thus stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for defendants reasonable time for effective preparation. Since then, the matter has been reassigned to the below-signed AUSA. The parties have stipulated to a continuance of the hearing until April 7, 2008, if that is agreeable to the Court.

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served

1 by taking such action and outweigh the best interests of the public and defendant in a speedy
2 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would
3 unreasonably deny counsel for defendants and the Government the reasonable time necessary for
4 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(8)(B)(iv).

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7 DATED: February 21, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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10 _____/s/
EUMI L. CHOI
Assistant United States Attorney

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12 _____/s/
PETER LEEMING
Counsel for Defendant

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14 _____/s/
CYNTHIA LIE
Counsel for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing be continued from February 25, 2008 until April 7, 2008. Further, it is ORDERED that the time between January 28, 2008 and April 7, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED:

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE